

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Rocmon Gardner,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 8-09-2563-TLW-BHH
	)	
Officer Charlie Michael Long,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

The plaintiff, Rocmon Gardner (“plaintiff”), represented by counsel, filed this civil action raising claims pursuant to 42 U.S.C. § 1983 and South Carolina law on September 29, 2009. (Doc. #1). The defendant filed a motion to dismiss on November 23, 2009. (Doc. #14). The plaintiff filed a response in opposition on November 27, 2009. (Doc. #16). The defendant filed a reply on December 8, 2009. (Doc. #18). The case was referred to United States Magistrate Judge Bruce Howe Hendricks pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(d), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #19). In the Report, the Magistrate Judge recommends that the defendant’s motion to dismiss be granted in part and denied in part. (Doc. #19). More specifically, the Magistrate Judge recommends that the plaintiff’s cause of action for violation of due process rights be dismissed, and that the motion to dismiss be denied as to all other claims. (Doc. #19). No objections were filed to the Report by either party. Objections were due on March 15, 2010.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. The Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #19). For the reasons articulated by the Magistrate Judge, the defendant's motion to dismiss is **GRANTED** in part and **DENIED** in part. (Doc. #14). The defendant's motion to dismiss is **GRANTED** as to the plaintiff's claim for violation of due process rights, and the plaintiff's claim for violation of due process rights is hereby **DISMISSED**. The defendant's motion to dismiss is **DENIED** as to all other causes of action alleged in the complaint.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

March 19, 2010  
Florence, South Carolina